

- | | |
|--|--|
| | |
|--|--|
- [Query](#)
 - [Reports](#)
 - [Utilities](#)
 - [Logout](#)

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:10-cv-00502-RSM

Moynihan v. Swinomish Tribal Police Agency
Assigned to: Judge Ricardo S Martinez
Cause: 05:552 Freedom of Information Act

Date Filed: 03/26/2010
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Petitioner

Michael Francis Moynihan Jr

represented by **Michael Francis Moynihan Jr**
441 Main Avenue S #32
North Bend, WA 98045
425-221-2504
Email: mfmjr28usc451@yahoo.com
PRO SE

V.

Respondent

Swinomish Tribal Police Agency

represented by **Francis S Floyd**
FLOYD PFLUEGER & RINGER PS
2505 3RD AVE
300 TRIANON BLDG
SEATTLE, WA 98121-1445
206-441-4455
Fax: 206-441-8484
Email: ffloyd@floyd-ringer.com
ATTORNEY TO BE NOTICED

Thomas B Nedderman
FLOYD PFLUEGER & RINGER PS
200 WEST THOMAS STREET
SUITE 500
SEATTLE, WA 98119-4296

206-441-4455
 Fax: 206-441-4455
 Email: tnedderman@floyd-ringer.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/24/2010	<u>1</u>	MOTION for Leave to Proceed in forma pauperis before Judge Tsuchida, filed by Michael Francis Moynihan, Jr. (Attachments: # <u>1</u> Petition for Writ of Mandamus, # <u>2</u> Civil Cover Sheet)(PM) (Entered: 03/26/2010)
04/01/2010	<u>3</u>	NOTICE of Appearance by attorney Thomas B Nedderman on behalf of Respondent Swinomish Tribal Police Agency. (Nedderman, Thomas) (Entered: 04/01/2010)
04/01/2010	<u>4</u>	ORDER granting pltf's <u>1</u> Motion for Leave to Proceed in forma pauperis by Hon. James P. Donohue.(RS)cc M Moynihan (Entered: 04/01/2010)
04/01/2010	<u>5</u>	PETITION FOR WRIT OF MANDAMUS filed by Michael Francis Moynihan, Jr. (RS) (Entered: 04/01/2010)
04/09/2010	<u>6</u>	ORDER TO SHOW CAUSE Show Cause Response due within 30 days by Judge Ricardo S Martinez. (RS)cc M Moynihan (Entered: 04/09/2010)
04/26/2010	<u>7</u>	COMPLAINT (Clarification) against defendant(s) Swinomish Tribal Police Agency. (RS) (Entered: 04/27/2010)
08/02/2010	<u>8</u>	ORDER Directing Clerk to Issue Summons by Judge Ricardo S Martinez; Clerk issued summons in blank and sent, with copy of this Order, to pltf Moynihan via USPS (TF) (Entered: 08/02/2010)
08/09/2010	<u>9</u>	Mail Returned as Undeliverable re <u>8</u> Order addressed to Michael Moynihan Jr (RS) (Entered: 08/10/2010)
09/01/2010	<u>10</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 10/13/2010, FRCP 26f Conference Deadline is 9/29/2010, Initial Disclosure Deadline is 10/6/2010, by Judge Ricardo S. Martinez. Order sent to pla via USPS 9/1/2010 (LW). (Entered: 09/01/2010)
09/09/2010	<u>11</u>	Mail Returned as Undeliverable re <u>10</u> Joint Status Report Order, addressed to Michael Moynihan (RS) (Entered: 09/10/2010)

09/27/2010		Reset Deadlines: FRCP 26f Conference Deadline is 10/27/2010, Initial Disclosure Deadline is 11/3/2010, Joint Status Report due by 11/17/2010. (LC) (Entered: 09/27/2010)
01/03/2011	1 2	ORDER TO SHOW CAUSE Show Cause Response due by 1/17/2011, by Judge Ricardo S Martinez. (RS)cc M Moynihan (Entered: 01/03/2011)
01/11/2011	1 3	REQUEST by Petitioner Michael Francis Moynihan, Jr for court forms, etc. Clerk to send appropriate forms to petitioner (RS) (Entered: 01/14/2011)
01/19/2011	1 4	Letter from plaintiff with attached summons form; clerk updated pltf's mailing address. (RS) (Entered: 01/20/2011)
01/28/2011	1 5	REVISED ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 3/11/2011, FRCP 26f Conference Deadline is 2/25/2011, Initial Disclosure Deadline is 3/4/2011, by Judge Ricardo S. Martinez. Sent to pro se plaintiff via U.S. Mail 1/28/2011. (LW) (Entered: 01/28/2011)
01/31/2011	1 6	MINUTE ORDER the documents filed by pltf on 1/19/11 appear to comply with the order to show cause; pltf's case will not be dismissed by Judge Ricardo S Martinez. (RS)cc M Moynihan (Entered: 01/31/2011)
03/03/2011	1 7	MOTION to Dismiss by Respondent Swinomish Tribal Police Agency. (Attachments: # 1 Proposed Order) Noting Date 3/25/2011, (Nedderman, Thomas) (Entered: 03/03/2011)
03/03/2011	1 8	DECLARATION of Thomas B. Nedderman filed by Respondent Swinomish Tribal Police Agency re 17 MOTION to Dismiss (Nedderman, Thomas) (Entered: 03/03/2011)
03/03/2011	1 9	DECLARATION of Tom Schlicker filed by Respondent Swinomish Tribal Police Agency re 17 MOTION to Dismiss (Nedderman, Thomas) (Entered: 03/03/2011)
03/03/2011	2 0	NOTICE of Interrogatories filed by Petitioner Michael Francis Moynihan, Jr. (TF) (Entered: 03/03/2011)
03/04/2011		Attorney Francis S Floyd for Swinomish Tribal Police Agency added per 17 Motion. (KN) (Entered: 03/04/2011)
04/12/2011	2 1	MOTION for Discovery <i>Strike Plaintiff's First Interrogatories</i> by Respondent Swinomish Tribal Police Agency. (Attachments: # 1 Proposed Order) Noting Date 5/6/2011, (Nedderman, Thomas) (Entered: 04/12/2011)

04/12/2011	2 2	MOTION to compel defense to answer interrogatories by Petitioner Michael Francis Moynihan, Jr. (Attachments: # 1 Proposed Order) Clerk noted for 4/29/2011, (RS) (Entered: 04/14/2011)
04/12/2011	2 3	NOTICE of Change of Address Filed by Petitioner Michael Francis Moynihan, Jr. (JS) (Entered: 04/15/2011)
04/15/2011	2 4	MOTION Strike Plaintiff's Motion to Compel re 22 MOTION to Compel by Respondent Swinomish Tribal Police Agency. (Attachments: # 1 Proposed Order) Noting Date 5/6/2011, (Nedderman, Thomas) (Entered: 04/15/2011)
05/03/2011	2 5	RESPONSE SUMMATION TO DEFENSE by Petitioner Michael Francis Moynihan, Jr. (Attachments: # 1 Proposed Order)(RS) (Entered: 05/04/2011)
05/06/2011	2 6	ORDER granting dft Swinomish Tribal Police Agency's 17 Motion to Dismiss; all pending motions are moot by Judge Ricardo S Martinez.(RS)cc M Moynihan Jr (Entered: 05/09/2011)
05/06/2011	2 7	JUDGMENT BY COURT granting dft's motion to dismiss (RS)cc M Moynihan (Entered: 05/09/2011)
08/30/2011	2 8	NOTICE OF APPEAL (11-35737) as to 27 Judgment by Court, 26 Order on Motion to Dismiss, Order on Motion for Discovery, Order on Motion to Compel, Order on Motion for Miscellaneous Relief filed by Petitioner Michael Francis Moynihan, Jr. (LMK) Modified on 9/2/2011 to add CCA number (JS). (Entered: 09/01/2011)
09/01/2011		Appeal Fees not received: In Forma Pauperis granted 4/4/10; re 28 Notice of Appeal filed by Michael Francis Moynihan, Jr (LMK) (Entered: 09/01/2011)
09/02/2011	2 9	TIME SCHEDULE ORDER (11-35737) as to 28 Notice of Appeal filed by Michael Francis Moynihan, Jr: Appellants opening brief due by 12/8/2011; Appellees response brief due by 1/9/2012; The optional appellant's reply brief shall be filed and served within fourteen days of service of the appellee's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1. Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.(JS) (Entered: 09/02/2011)
10/20/2011	3 0	ORDER of USCA (11-35737) as to 28 Notice of Appeal, filed by Michael Francis Moynihan, Jr. A review of the record demonstrates that, although the August 30, 2011 notice of appeal was not filed within 30 days after the judgment entered on May 9, 2011, appellants notice of appeal contains a request to reopen the time to appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6). The district court has not ruled on that request. Accordingly, this appeal is remanded to the district court for the limitedpurpose of allowing that court to rule on appellants August 30, 2011 request. SEE ORDER FOR FURTHER INSTRUCTION. (SA) (Entered: 10/20/2011)

11/04/2011	<u>3</u> <u>1</u>	ORDER On Motion to Reopen the Time to File an Appeal signed by Judge Ricardo S Martinez. The Court finds that petitioner did not receive notice of the May 9, 2011 order dismissing his claims. His motion to reopen the time to file an appeal was filed within 180 days of the date of the dismissal order. The respondent in this matter will not be prejudiced by allowing petitioner to file an untimely appeal. Accordingly, having reviewed petitioners notice of appeal and the request to reopen the time to file an appeal contained therein, and the remainder of the record, the Court hereby finds and ORDERS: Petitioners request to reopen the time to file an appeal is GRANTED. The Clerk of the Court is directed to forward a copy of this Order to petitioner, to all counsel of record, and to the Honorable Johnnie B. Rawlinson and the Honorable Carlos Bea, Circuit Judges. The Clerk of the Court is also directed to forward a copy of this Courts May 6, 2011 order granting respondents motion to dismiss (Dkt. # 26) and the accompanying judgment (Dkt. # 27) to the petitioner. Copies of Order transmitted electronically to counsel of record, and Circuit Judges. Specified documents and Order mailed to Petitioner. (LMK) (Entered: 11/04/2011)
11/07/2011	<u>3</u> <u>2</u>	Letter from Michael Moynihan regarding mail. (LMK) (Entered: 11/08/2011)
11/09/2011	<u>3</u> <u>3</u>	Mail Returned as Undeliverable re <u>27</u> Judgment by Court, <u>26</u> Order on Motion to Dismiss, Order on Motion for Discovery, Order on Motion to Compel, Order on Motion for Miscellaneous Relief, <u>31</u> Order addressed to Michael Moynihan; Envelope indicates Plaintiff has been released. (LMK) (Entered: 11/14/2011)
12/14/2011	<u>3</u> <u>4</u>	MANDATE of USCA (11-35737) as to <u>28</u> Notice of Appeal, filed by Michael Francis Moynihan Jr; this appeal is dismissed for failure to respond to order. (Order dated 11/14/2011), This order served on the district court shall constitute the mandate of this court. (LMK) (Entered: 12/15/2011)

PACER Service Center

Transaction Receipt

01/10/2012 06:06:29

PACER Login:	pb0232	Client Code:	foiaproj
Description:	Docket Report	Search Criteria:	2:10-cv-00502-RSM
Billable Pages:	3	Cost:	0.24